

EXHIBIT B

1 UNITED STATES BANKRUPTCY COURT

2 SOUTHERN DISTRICT OF NEW YORK

3 Case No. 08-01789

4 - - - - - x

5 In the Matter of:

6

7 BERNARD L. MADOFF INVESTMENT SECURITIES LLC,

8

9 Debtor.

10 - - - - - x

11 Adv. Case No. 10-04285-cgm

12 - - - - - x

13 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

14 MADOFF INVESTMENT SECURITIES LLC,

15 Plaintiff,

16 v.

17 UBS AG, UBS (LUXEMBOURG) SA et al.,

18 Defendants.

19 - - - - - x

20

21

22

23

24

25

1 Adv. Case No. 10-04330-cgm

2 - - - - - x

3 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

4 MADOFF INVESTMENT SECURITIES LLC,

5 Plaintiff,

6 v.

7 SQUARE ONE FUND LTD.,

8 Defendants.

9 - - - - - x

10 Adv. Case No.

11 - - - - - x

12 IRVING H. PICARD, TRUSTEE FOR THE LIQUIDATION OF BERNARD L.

13 MADOFF INVESTMENT SECURITIES LLC,

14 Plaintiff,

15 v.

16 PLATINUM ALL WEATHER FUND LIMITED et al.,

17 Defendants.

18 - - - - - x

19 United States Bankruptcy Court

20 355 Main Street

21 Poughkeepsie, NY 12601

22

23 May 17, 2023

24 2:01 PM

25

1 B E F O R E :

2 HON CECELIA G. MORRIS

3 U.S. BANKRUPTCY JUDGE

4

5 ECRO: UNKNOWN

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 HEARING re 10-04285-cgm Doc# 372 Notice of Hearing to
2 consider the Declaration of Gonzalo S. Zeballos
3 Requesting Conference Pursuant to Local Bankruptcy Rule
4 7007-1 filed by David J. Sheehan on behalf of Irving H.
5 Picard, Trustee for the Liquidation of Bernard L.
6 Madoff Investment Securities LLC, and Bernard L. Madoff
7 (related document(s)371) filed by Clerk of Court, United
8 States Bankruptcy Court, SDNY. with hearing to be held on
9 5/17/2023 at 10:00 AM at Videoconference (ZoomGov) (CGM)
10
11 HEARING re 10-04285-cgm Doc# 372Doc. #371 Declaration of
12 Gonzalo S. Zeballos Requesting Conference Pursuant to
13 Local Bankruptcy Rule 7007-1 filed by David J. Sheehan on
14 behalf of Irving H. Picard, Trustee for the Liquidation of
15 Bernard L. Madoff Investment Securities LLC, and Bernard L.
16 Madoff. (Attachments: # 1 Exhibit A # 2 Exhibit B # 3
17 Exhibit C # 4 Exhibit D) (Sheehan, David)
18
19 HEARING re 10-04330-cgm Doc# 268 Notice of Hearing to
20 consider the Declaration of Marco Molina Requesting
21 Conference Pursuant to Local Bankruptcy Rule 7007-1 filed by
22 David J. Sheehan on behalf of Irving Picard, as Trustee for
23 the Liquidation of Bernard L. Madoff Investment
24 Securities and Response to Declaration of Marco Molina
25 Requesting Conference Pursuant to Local Rule 7007-1 (related

1 document(s)23065) filed by Brian J. Fischer on
2 behalf of Square One Fund Ltd. (related document(s)265)
3 filed by Clerk of Court, United States Bankruptcy Court,
4 SDNY. with hearing to be held on 5/17/2023 at 10:00
5 AM at Videoconference (ZoomGov) (CGM) Doc. #23065
6
7 HEARING re 12-01697-cgm Doc# 143 Motion to Dismiss Adversary
8 Proceeding filed by Christopher Harris on behalf of ABN AMRO
9 Retained Nominees (IOM) Limited, f/k/a/ ABN AMRO Fund
10 Services (Isle of Man) Nominees, and f/k/a Fortis (Isle of
11 Man) Nominees Limited. with hearing to be held on 5/17/2023
12 at 10:00 AM at Courtroom 621 (CGM - NYC)
13 Responses due by 3/13/2023,
14
15 HEARING re 12-01697-cgm Doc# 149 Motion to Dismiss Adversary
16 Proceeding filed by Scott Schreiber on behalf of Platinum
17 All Weather Fund Limited. with hearing to be held on
18 5/17/2023 at 10:00 AM at Courtroom 621 (CGM - NYC)
19
20
21
22
23
24
25

1 HEARING re 12-01697-cgm Doc# 154 Opposition /Trustee's
2 Memorandum of Law in Opposition to Platinum All Weather Fund
3 Limited's Motion to Dismiss the Amended Complaint (related
4 document(s)149) filed by David J. Sheehan on behalf of
5 Irving H. Picard, Trustee for the Substantively Consolidated
6 SIPA Liquidation of Bernard L. Madoff Investment
7 Securities LLC and Bernard L. Madoff.

8
9 HEARING re 12-01697-cgm Doc# 156 Opposition /Trustee's
10 Memorandum of Law in Opposition to Defendant ABN AMRO
11 Retained Nominees (IOM) Limited's Motion to Dismiss the
12 Amended Complaint (related document(s)143) filed by Regina
13 Griffin on behalf of Irving H. Picard, Trustee for the
14 Substantively Consolidated SIPA Liquidation of Bernard L.
15 Madoff Investment Securities LLC and Bernard L.

16
17 HEARING re 12-01697-cgm Doc# 160 Reply Memorandum of Law in
18 Further Support of Defendant Platinum All Weather Fund
19 Limited's Motion To Dismiss The Trustee's Amended Complaint
20 (related document(s)149) filed by Scott Schreiber on behalf
21 of Platinum All Weather Fund Limited.

1 HEARING re 12-01697-cgm Doc# 162 Memorandum of Law / Reply
2 Memorandum of Law in Further Support of ABN AMRO Retained
3 Nominees (IOM) Limited's Motion to Dismiss the Amended
4 Complaint (related document(s)143, 141) filed by Christopher
5 Harris on behalf of ABN AMRO Retained Nominees (IOM)
6 Limited, f/k/a/ ABN AMRO Fund Services (Isle of Man)
7 Nominees, and f/k/a Fortis (Isle of Man) Nominees Limited.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 Transcribed by: Sonya Ledanski Hyde

1 A P P E A R A N C E S :

2

3 BAKER HOSTETLER LLP

4 Attorneys for Irving H. Picard, Trustee

5 45 Rockefeller Plaza

6 New York, NY 10111

7

8 BY: GONZALO S. ZEBALLOS

9

10 GIBSON, DUNN & CRUTCHER, LLP

11 Attorneys for UBS Defendants

12 200 Park Avenue

13 New York, NY 10166

14

15 BY: MARSHALL R. KING

16

17 ALSO PRESENT TELEPHONICALLY:

18 RICHARD A. CIRILLO

19 DAVID SCHWARTZ

20 ALEX WALSDORF

21 STEVEN FROOT

22 GABRIEL HERMANN

23 DOUGLAS A. KELLNER

24 BRETT S. MOORE

25 GEORFFREY A. NORTH

1 JENNA C. SMITH
2 RICHARD LEVIN
3 MARCO MOLINA
4 GARY A. WOODFIELD
5 COREY CALABRESE
6 JOHN S. CRAIG
7 ROSA EVERGREEN
8 THOMAS J. GIBLIN
9 REGINA GRIFFIN
10 CHRISTOPHER HARRIS
11 BIANCA LIN
12 ELIZABETH G. MCCURRACH
13 KATHERINE MUELLER
14 LAUREN J. PINCUS
15 DAVID A. SHAIMAN
16 ALEX WALSDORF
17 CHARLES WELCOME
18 JOHN F. ZULACK
19 NOWELL BAMBERGER
20 CHRISTINE ALEXANDRA DEVITO
21 UDAY GORREPATI
22 ABIGAIL GOTTER-NUGENT
23 JOSEPH M. KAY
24 ADAM M. LEVY
25 MARK MCKEEFRY

1 JEFFREY A. ROSENTHAL
2 CHRISTIAN VANDERGEEST
3 DONNA XU
4 DEANDRA FIKE
5 UDAY GORREPATI
6 GAITANA JARAMILLO
7 KEVIN C. KELLY
8 MARCELLA OLIVER
9 DANIEL BERNSTEIN
10 JONATHAN CROSS
11 RANDY LEWIS MARTIN

12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 better Internet than I have --

2 MR. ZEBALLOS: I hope so.

3 THE COURT: -- in in Brazil.

4 MR. ZEBALLOS: Actually, I'll be at a business
5 hotel, so I should be fine.

6 THE COURT: All right. Yeah. Yeah, you actually
7 will be up a couple of hours before we will then. Okay. I
8 want you all to meet and confer Tuesday of next week.
9 Wednesday you report to me.

10 MR. KING: Fine, Your Honor. Thank you.

11 THE COURT: As I say, I know I'm kicking the can
12 down the road, but you both basically told me that you're
13 doing duplicate work. So, I hear it. I hear it. And I --
14 I have -- you now know I've lived with this case for a
15 little while. And we're 12 years in and we're not -- and
16 we're just now talking about discovery. But that's the way
17 life is. I'll see you all next week.

18 MR. KING: Thank you, Your Honor.

19 MR. ZEBALLOS: Thank you, Your Honor.

20 THE COURT: Very good. 10-04330 in Picard v.
21 Square One Fund Ltd. 08-01789 BLMIS. State your name and
22 affiliation.

23 MR. MOLINA: Good morning, Your Honor. This is
24 Marco Molina, from Baker Hosteller, representing the Trustee
25 in this matter.

1 MR. LEVIN: Good morning, Your Honor. Richard
2 Levin, Jenner Block LLP, representing Defendant Square One
3 Fund Ltd.

4 THE COURT: Very good. This is your request, Mr.
5 Molina, for a discovery conference?

6 MR. MOLINA: Yes, Your Honor. Thank you. We're
7 seeking leave under Local Rule 7007-1B to bring a motion for
8 sanctions under Rule 37(e) of the Federal Rules of Civil
9 Procedure, due to Square One's (indiscernible) conduct.

10 Now, Your Honor, we do not take these motions
11 lightly. We're here as a last resort and only after having
12 exhausted all the discovery tools available to the Trustee
13 and after having conferred with Square One's counsel for a
14 period of years on this matter; most recently on March 29th
15 of this year.

16 Now, Your Honor, I'll be happy -- I'll be happy to
17 answer any questions Your Honor may have about the substance
18 of the motion we're about to bring. But I want to cover the
19 basics here briefly.

20 THE COURT: Okay.

21 MR. MOLINA: At the outset of discovery in August
22 of 2019, we served on Square One document requests that
23 asked for a bevy of documents, but specifically some
24 diligence-related documents that we knew Square One had in
25 its custody, possession or control.

1 The productions that Square One made under those
2 requests are plainly deficient. They lacked metadata, they
3 lacked -- they were missing email attachments. And more
4 importantly, there were -- some of the key diligence-related
5 documents that Square One had in its custody, possession or
6 control at one time were missing.

7 We conferred with Square One's counsel for over a
8 year about these deficiencies, and we finally agreed after
9 much discussion to hire a third-party vendor to go search
10 for the missing ESI in the repositories where that ESI
11 should have been preserved.

12 Now, after several months, the search came back
13 and it turned out that ESI was missing. When we demanded
14 answers from Square One's counsel -- and this was in
15 September of 2021 -- so more than two years into fact
16 discovery, they revealed to us for the first time, Your
17 Honor, that in 2017, Square One had caused the repositories
18 of this ESI to be destroyed.

19 Now, after getting that bombshell, we exhausted
20 all discovery tools available to us at that time to try to
21 get our arms around what happened in 2017, and more
22 importantly, the ESI that was supposedly destroyed to be
23 recovered. We served -- we had two Rule 30(b)(6)
24 depositions. We served numerous interrogatories and
25 additional discovery requests. And also, we met and

1 conferred with Square One's counsel on numerous occasions.

2 Well, we -- after all of that, what we understand
3 and what the parties agree is that this ESI is gone. It's
4 irretrievable. And given that fact discovery closed two
5 months ago, and there's nothing else that the trustee can do
6 to try to obtain the ESI, we felt it was ripe and
7 unfortunate that we have to come before Your Honor to bring
8 a motion for exfoliation under Rule 37(e).

9 Now, if I may, Your Honor, I would like to respond
10 to an argument that my colleague has made with respect to
11 the procedural aspect here. And that is my understanding is
12 Square One's counsel is taking the position that this motion
13 is should be best brought to Judge Moss, the discovery
14 arbitrator in this action. And I don't know if I've lost,
15 if I've lost Your Honor, but I think your image -- I was
16 going to stop because I think that you might have signed
17 off.

18 CLERK: Please stand by for the Judge. Thank you.
19 Judge Morris apologizes. She has a small technical problem.
20 She will be on shortly. Please stand by. Thank you.

21 MR. ZEBALLOS: Thank you.

22 THE COURT: Mr. Molina, I apologize and Mr. Levin,
23 I apologize. My computer decided to do an update in the
24 middle of all this. And I have to admit that we've been
25 doing this long enough. My entire staff came running in

1 here to make sure I was okay. Is everything ok? No. And
2 we were right at the point where you wanted to respond to
3 counsel's argument, Mr. Molina. And that was my last
4 hearing before I went away from y'all. So if you don't
5 mind, step your, put yourself back there.

6 MR. MOLINA: Thank you, Your Honor. As Your Honor
7 mentioned, I was starting to get into I think the principal
8 argument that my colleague on the other side raised in his
9 declaration, which is that Square One is taking the position
10 that this motion should be brought to Judge Moss, the
11 discovery arbitrator in this case. And they cite to
12 Paragraph 8 of the case management plan, which notes that
13 the parties could bring discovery disputes to Judge Moss.

14 Now, Your Honor, we disagree with Square One's
15 position and for two reasons. And the first issue, the
16 first reason is this is not, this is not a typical discovery
17 dispute, Your Honor. We're not asking Your Honor to compel
18 a witness to testify. We're not asking Your Honor to issue
19 a protective order or to, you know, resolve an issue an
20 issue about privilege log. Fact discovery closed two months
21 ago. The reason we're bringing this motion is because we're
22 asking for sanctions that could have case-wide implications
23 in this case. And for that reason, Your Honor, we think
24 this motion is better brought before you, for this Court,
25 the trial court rather than refer to the discovery

1 arbitrator. And I will add, Your Honor, that this is
2 something that other courts have ruled is the proper course
3 of action. And I'm happy to read some of this case law into
4 the record if Your Honor wishes. But the courts have found
5 that because motions for exfoliation under the Rule 37(e)
6 had case-wide implications, those should best be brought
7 before the trial court.

8 THE COURT: Would you please give me some of that
9 case law, read some of that into the record?

10 MR. MOLINA: Absolutely.

11 THE COURT: And tell me, tell me which case, which
12 court, and if you can by which court, I'd like to know which
13 judge, if possible.

14 MR. MOLINA: I will rely on my team to come up
15 with the name of the judge. But there's a decision from the
16 Central District of California from January 5th of this
17 year. The case is MGA Entertainment Inc versus Clifford TI
18 Harris. And the quote in that, the relevant quote in that
19 decision, which I will now read to the record is "District
20 judges have the authority to decide exfoliation motions even
21 though the magistrate judge typically handles a majority of
22 discovery issues. The remedies that a moving party seeks in
23 an exfoliation motion can be case dispositive and,
24 therefore, involves substantive questions of litigation
25 misconduct to be resolved by a district judge." Like I

1 said, I'll wait for my team to give me the name of the
2 judge. I don't have the specific name.

3 THE COURT: But that's a district court opinion?

4 MR. MOLINA: That's correct. That's a district
5 court opinion, Your Honor.

6 THE COURT: Okay.

7 MR. MOLINA: But the point, the relevant point I
8 think applies here, which is that -- and by, and by the way,
9 we think the world of Judge Moss. We've -- the trustee
10 regularly encourages our counterparties to bring discovery
11 disputes in front of Judge Moss because we think he's very
12 effective and sharp.

13 THE COURT: Let me ask you one question. I've
14 seen it. Isn't it also possible to appeal to me if you
15 disagree with Judge Moss's ruling?

16 MR. MOLINA: Absolutely. Absolutely, Your Honor.
17 And again, we're not, this is not about Judge Moss or any
18 trepidation we have. It's simply about bringing the,
19 bringing what we believe are -- again, this is not a typical
20 discovery dispute. And the remedies that we're going to be
21 seeking under this motion, we think are best decided by Your
22 Honor directly.

23 THE COURT: I hear you.

24 MR. MOLINA: And then, and then the second, the
25 second point that I wanted to make on that is that, you

1 know, this is not the first time that we've come before Your
2 Honor on an issue that's arisen from the discovery period.
3 Your Honor may remember two years ago we were, were before
4 Your Honor on a motion seeking approval to issue letters of
5 request to Swiss authorities to compel Swiss witnesses to
6 testify in this case.

7 Now Square One in that case opposed that motion
8 and we brought that dispute directly before Your Honor. And
9 that dispute could have been, could have been delegated to
10 Judge Moss, who could have issued a recommendation report
11 for Your Honor to adopt. But we brought it before Your
12 Honor and Score One didn't contest or didn't have any issues
13 with that at that time, which is why, frankly, we're a
14 little bit surprised that my colleagues have taken the
15 staunch position that this matter should not be before,
16 should not be brought directly to Your Honor.

17 So again, we disagree with their interpretation of
18 the case management plan as it being sort of a black and
19 white, you know, always go to Judge Moss. We feel that it's
20 ultimately up to the parties, but also it's, it's dependent
21 on some of these, some of these unique issues that we think
22 are present in this particular dispute.

23 THE COURT: Thank you.

24 MR. MOLINA: So with that, with that, Your Honor,
25 I'll cede my time.

1 THE COURT: Yes. Mr. Levin.

2 MR. LEVIN: Thank you, Your Honor. Excuse me.

3 The declaration that Mr. Melina file concludes with the
4 following language: "The trustee respectfully requests a
5 conference regarding the trustee's contemplated motion for
6 sanctions." In the hearing today, he said he is requesting
7 leave to file a motion for sanctions. It would have been
8 helpful had the motion been -- his declaration been teed up
9 for what he intended rather than what he said.

10 He made a lot of comments about supposed
11 exfoliation. Much of what he said is not true and the
12 discovery record shows that it's not true. Some data was
13 lost. I'm not going to dispute that. But what's behind
14 that and what he said, there's a lot of, a lot of history
15 here and a lot of facts that his request today did not put
16 in issue. And therefore, I do not intend, unless Your Honor
17 requests to respond to the factual allegations that he
18 makes. Rather, he requested a conference. We agreed that a
19 conference should be held.

20 Our position is that the discovery order, the case
21 management order, which is an order of this Court, and which
22 says the parties agreed to go before a discovery arbitrator
23 if there are any disputes is binding. You can't just say,
24 well, we changed our mind. We like this one better before,
25 before the Court. And we're simply asking that he comply

1 with this Court's orders.

2 Now, Mr. Molina says that this is ultimately going
3 to have to come before this Court. Well, we don't know
4 that. And we don't know that for two reasons. One reason
5 is despite our specific request to him during the meet and
6 confer that he tell us what sanctions he was seeking and
7 whether they would be case dispositive, he refused to do so.
8 He simply responded, we're seeking sanctions that are
9 authorized under Rule 37(e). So if they're not case
10 positive sanctions, they might not need to come before this
11 Court.

12 The other reason they might not need to come
13 before this Court is because we think the record is very
14 clear that there was no actionable exfoliation. There was
15 no exfoliation at all. And if you look at the case that Mr.
16 Molina has just cited, MGA, the MGA case in the Central
17 District of California, the judge there found on far less
18 egregious facts that there was -- you know, how do I say
19 this -- on facts that suggested less care than was applied
20 by Square One here that there was no exfoliation and no
21 sanctions were warranted. So that is an issue we think is
22 best heard by Judge Moss as to whether there was
23 exfoliation. If Judge Moss determines that there is, and if
24 Mr. Molina then reveals to us what sanctions he's seeking,
25 that finding could well come before this Court for a

1 determination of whether case dispositive sanctions are
2 appropriate. But since this Court has ordered, and he has
3 agreed to go before a discovery arbitrator, we are, although
4 the order didn't specify which discovery arbitrator, we're
5 comfortable with the one we have used before. We think
6 that's what this conference should direct him to do if he
7 wishes to file that motion, file it and it should go before
8 Judge Moss.

9 THE COURT: Very good.

10 MR. LEVIN: One other point, Your Honor.

11 THE COURT: I'm so sorry.

12 MR. LEVIN: Mr. Molina has said that we waived
13 Paragraph 8. In fact, that's not true. And we pointed that
14 out in the response to his papers. Judge Moss cannot issue
15 a hay**45:05 request. It has to come from the Court. So
16 it's no waiver for us to acknowledge that that issue has to
17 be heard by this Court. And any amendments to the case
18 management order have to be done by this Court. There have
19 been a number of extensions of the deadlines in the case
20 management order, and all of those came to this Court
21 because it's a court order and the discovery arbitrator
22 cannot amend the court order, but we have waived nothing.
23 And even if we did, there's nothing that suggests that a
24 waiver one time is a permanent waiver. That that's all I
25 have, Your Honor. Thank you.

1 THE COURT: Very good. Mr. Molina, any quick
2 rebuttal?

3 MR. MOLINA: Yes, Your Honor. I just want to
4 point out that I'm --

5 THE COURT: Make sure it's rebuttal, not new.

6 MR. MOLINA: That's right. No, it's a rebuttal,
7 Your Honor. Thank you. I just want to correct the record
8 on something. We did tell in the meet and confer on March
9 29th of this year, we did tell Square One's counsel that we
10 would be seeking all the available remedies under Rule 37(e)
11 without limitation. And then when we filed this declaration
12 that prompted the conference that we're having today, Your
13 Honor, we specifically noted that one of those, one of those
14 remedies would be the entry of an adverse inference, which
15 again, is exactly the type of remedy that would have case-
16 wide implications.

17 So this idea, Your Honor, that we need to first
18 find out with Judge Moss what the remedies could be before
19 we, before we can, before Your Honor can decide whether to
20 take this issue, we've already put it on the record. And
21 just to piggyback of what happened in the proceeding before
22 this proceeding, you know, we don't want to kick the can
23 down the road. We don't want to prolong this any further.
24 We're ready and willing to bring this motion before Your
25 Honor, so Your Honor can decide these case-wide issues. So

1 with that, Your Honor, that's all I have.

2 THE COURT: I have a lot of respect for Judge
3 Moss. So just so you know that going into my ruling and so
4 you'll hear.

5 On October 4th, 2016, the Court issued **46:57
6 reporting, Frank Moss, esquire now, JAMS, as the discovery
7 arbitrator in connection with the trustee's adversary
8 proceedings. That order states "Whereas in the interest of
9 judicial economy, the Court appoints a discovery arbitrator
10 pursuant to Rule 9019(c) of the Federal Rules of Bankruptcy
11 Procedure and General Order M390 to resolve various
12 discovery disputes in any of the trustee's adversary
13 proceedings, whether such dispute is currently pending
14 before the Court or in the future."

15 It goes onto state "Whereas the parties in any
16 given adversary proceeding who consent to the use of the
17 discovery arbitrator must enter into a stipulated order
18 consenting to submit the dispute to the discovery arbitrator
19 and the procedures outlined in this order. But for the
20 avoidance of doubt, nothing herein shall compel a party to
21 consent to arbitration or prohibit a request for a
22 different, for a different discovery arbitrator."

23 In this case, the parties have agreed to resolve
24 this dispute in front of a discovery arbitrator in their
25 case management plan. The ruling of the discovery

1 arbitrator shall be binding on all relevant parties. Any
2 party may request an appeal of any ruling of the discovery
3 arbitrator by submitting a letter to the Court and copying
4 the relevant parties and the discovery arbitrator setting
5 forth the request and the specific issues to be reviewed
6 within the 14 days from the date such ruling is issued.

7 At the discretion of the Court, the discovery
8 arbitrator's ruling will be reviewed as following. Finding
9 of facts will be reviewed de novo. Legal conclusions will
10 be reviewed de novo. And rulings on procedural matters will
11 be re reviewed for abuse of discretion.

12 I'm granting the trustee's request to file the
13 motion. And the motion shall be heard by the discovery
14 arbitrator in accordance with the procedures outlined in the
15 order appointing a discovery arbitrator, which can be found
16 in Electronic Case Filing 14227 of the main case. Submit
17 orders in compliance with that, please. Why don't y'all
18 just work on an order and submit it together?

19 MR. MOLINA: Thank you, Your Honor.

20 MR. LEVIN: Thank you, Your Honor.

21 THE COURT: And would you please thank Judge Moss?

22 MR. MOLINA: We will, Your Honor.

23 MR. LEVIN: Will do. May we'd be excused from
24 hearing Your Honor?

25 THE COURT: Yes, you may. Thank you very much.